

RESOLUTION NO. 16-110

**A RESOLUTION APPROVING AMENDMENT NO. 3 TO
THE COVENANTS AND RESTRICTIONS OF THE CITY
OF PORT ARTHUR SECTION 4A ECONOMIC
DEVELOPMENT CORPORATION SPUR 93 BUSINESS
PARK**

WHEREAS, the City Council of the City of Port Arthur (the "City") approved the Covenants and Restrictions of the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") Business Park located on 9555 W. Port Arthur Rd. per Resolution No. 05-356; and

WHEREAS, on April 24, 2007, the City, per resolution No. 07-189, approved Amendment No. 1 to the Covenants and Restrictions to include Landscaping and Screening Requirements; and

WHEREAS, on August 7 2012, the City, per resolution No. 12-364, approved Amendment No. 2 to the Covenants and Restrictions to increase the annual land assessments to \$500 per acre to allow for security services to be included; and

WHEREAS, on April 11, 2016, the PAEDC Board of Directors approved amending the Covenants and Restrictions to include slaughter houses and meat packing plants as prohibited occupancies ; and

WHEREAS, the amendment to the Covenants and Restrictions will only become effective after current tenants in the Spur 93 Business Park are contacted and do not object to the proposed amendment; and

WHEREAS, the PAEDC Board of Directors recommends the City approve the recommended amendments to the Spur 93 Business Park Covenants and Restrictions as noted in Exhibit "A".

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR:

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. That the Covenants and Restrictions of the Spur 93 Business Park shall be amended to prohibit slaughter houses and meat packing plants as denoted in Exhibit "A".

Section 3. That a copy of the caption of this Resolution be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 19th day of April A.D., 2016, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES:

Mayor

Councilmembers

Mayor Dr. Lem Frank
Scott, Hamilton, Albright,
Richard, Lewis, and Moses.

NOES:

Mayor Prince

Deloris Prince
Deloris "Bobbie" Prince, Mayor


ATTEST:


Sherri Bellard, City Secretary

APPROVED:


Floyd Batiste, PAEDC CEO

APPROVED AS TO FORM:


Guy N. Goodson, PAEDC Attorney

APPROVED AS TO FORM:

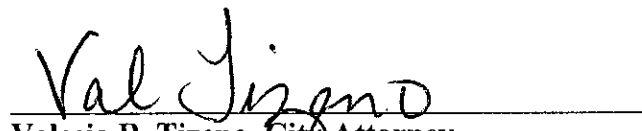

Valecia R. Tizeno, City Attorney

EXHIBIT “A”

**AMENDMENT NO. 3 TO
COVENANTS AND RESTRICTIONS
PORT ARTHUR BUSINESS PARK**

WHEREAS, the City of Port Arthur Section 4A Economic Development Corporation (the "PAEDC") filed its original Covenants and Restrictions, Port Arthur Business Park, dated November 30, 2005 in the Official Public Records of Real Property of Jefferson County, Texas on or about January 26, 2006, under File No. 2006003269 as it pertains to the land described in Appendix "A" attached hereto;

WHEREAS, the PAEDC filed the Amendment No. 1 to Covenants and Restrictions in the Official Public Records of Real Property of Jefferson County, Texas on or about May 10, 2007, under File No. 2007017117;

WHEREAS, the PAEDC filed the Amendment No. 2 to Covenants and Restrictions in the Official Public Records of Real Property of Jefferson County, Texas on or about July 9, 2014, under File No. 2014021739;

WHEREAS, the original deed restrictions stated the following as to prohibited occupancies:

PROHIBITED OCCUPANCIES

Specifically prohibited uses include manufacturing and process operations that transmit noise, or release odors, fumes or dust that materially exceed City, State, or Federal Standards or discharge a waste stream that is not acceptable (due to content or volume) for the City's sanitary sewer system. Any use that requires on site treatment of waste in order to meet the above requirements will be allowed only on the basis of a special use permit from PAEDC, the City of Port Arthur, the TCEQ or the applicable regulatory agency. In general, on site treatment of significant quantities of special waste will not be permitted. A special use permit may, at the sole discretion of PAEDC, be granted, conditional upon continued and demonstrative conformance to specific requirements and standards. Failure by the user receiving such conditional approval to strictly conform to the requirements and standards imposed will be the basis of termination of the special use permit, without recourse by the user. Notice of termination of a special use permit will require the user to immediately cease all on site processes that generate or contribute to the subject waste stream.

In addition, all exterior site uses including parking areas, truck maneuvering and docking areas, storage and equipment yards and the like will be developed and maintained in strict conformance with these covenants and restrictions and with the specific terms of approvals granted by PAEDC and the City of Port Arthur.

WHEREAS, the PAEDC met on April 11, 2016, and herein desires to amend the Deed Restrictions, and does herein amend the Deed Restrictions so that the following prohibited occupancies restrictions apply:

PROHIBITED OCCUPANCIES

Specifically prohibited uses include slaughter houses and meat packing plants. Specifically prohibited uses further include other manufacturing and process operations that transmit noise, or release odors, fumes or dust that materially exceed City, State, or Federal Standards or discharge a waste stream that is not acceptable (due to content or volume) for the City's sanitary sewer system. Any use that requires on site treatment of waste in order to meet the above requirements will be allowed only on the basis of a special use permit from PAEDC, the City of Port Arthur, the TCEQ or the applicable regulatory agency. In general, on site treatment of significant quantities of special waste will not be permitted. A special use permit may, at the sole discretion of PAEDC, be granted, conditional upon continued and demonstrative conformance to specific requirements and standards. Failure by the user receiving such conditional approval to strictly conform to the requirements and standards imposed will be the basis of termination of the special use permit, without recourse by the user. Notice of termination of a special use permit will require the user to immediately cease all on site processes that generate or contribute to the subject waste stream.

In addition, all exterior site uses including parking areas, truck maneuvering and docking areas, storage and equipment yards and the like will be developed and maintained in strict conformance with these covenants and restrictions and with the specific terms of approvals granted by PAEDC and the City of Port Arthur.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF PORT ARTHUR SECTION 4A ECONOMIC DEVELOPMENT CORPORATION that:

1. This Amendment No. 3 to the Covenants and Restrictions, Port Arthur Business Park, as to the amendment, as to assessments and as to site development or approved.
2. The amendment as to assessment shall be effective as of May 1, 2016, and the amendment as to site development shall be effective upon approval by the City of Port Arthur, Texas.
3. The recitals to this Amendment are incorporated and fully referenced in this Amendment.
4. Except as amended hereby and as previously amended by the duly noted actions of the PAEDC, the Covenants and Restrictions, Port Arthur Business Park are ratified and affirmed.

SIGNED AND AGREED to on this ____ day of _____, 2016.

City of Port Arthur Section 4A

Economic Development Corporation

By: _____
President

ATTEST:

Secretary

THE STATE OF TEXAS §
 §
COUNTY OF JEFFERSON §

This instrument was acknowledged before me on the ____ day of _____, 2016, by
_____ as President and _____ as Secretary on
behalf of City of Port Arthur Section 4A Economic Development Corporation.

Notary Public, State of Texas